GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Commercial Tax Department - Allegations of corruption of demand and acceptance of bribe of Rs.50,000/- against Sri Thumma Bhaskar, S/o.Gnana Prakash, formerly Commercial Tax Officer, Piduguralla Circle, Guntur dist., now retired from service on attaining the age of superannuation on 31.07.2017 as Commercial Tax Officer (OFA), Punjagutta Division, Hyderabad - Trapped by ACB on 11.12.2009 - Final report sent – Prosecution sanction orders issued - Charge sheet filed on 31.01.2011 in C.C.No.18/2011 - Judgment pronounced on 07.05.2024 - A.O. acquitted by the Special Court for trial of SPE & ACB Cases-cum-III Addl. District Judge, Vijayawada – Further action dropped - Orders - Issued.

REVENUE (VIGILANCE-VI) DEPARTMENT

G.O.RT.No. 119 Dated: 14-02-2025

Read the following:-

1. From the DG, ACB, Lr.Rc.No.304/RCT-VGT/2009-S.17 in final report dated 20.08.2010.
2. Govt.Memo.No.474/Vig.I(1)/2010-1, dated 22.11.2010.
3. G.O.Ms.No.29, Revenue (Vig.I) Dept., dated 11.01.2011.
4. From the DG, ACB, Lr.Rc.No.304/RCT-VGT/2009-S9, dated 01.03.2011.
5. From the CCT's Lr.Ref.No.V1/1514/2009, dated 27.11.2012.
6. From the CCT's Lr.Ref.No.V1/1514/2009, dated 01.07.2013.
7. From the CCT, Telangana, Hyderabad, Lr.Ref.No.V1/1514/2009, dated 15.14.2009.
8. Judgement dt.07.05.2024 in C.No.18/2011 of the Spl.Judge for SPE & ACB Cases-cum-III Addl. District Judge, Vijayawada.
9. From the DG, ACB, Lr.Rc.No.304/RCT-VGT/2009-S17, dated 13.06.2024.

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ORDER:

Whereas, the Director General, Anti-Corruption Bureau in the reference 1st read above has reported that the DSP, ACB, Vijayawada has registered a case in Cr.No.27/RCT-ACB-VJA/2009 U/s.7 of P.C.Act, 1988 against Sri Thumma Bhaskar, CTO, Piduguralla, Guntur dist., who was trapped by ACB officials on 11.12.2009, when he demanded and accepted an amount of Rs.50,000/- as illegal gratification other than legal remuneration from the complainant Sri Alaparti Srinivasa Rao, S/o.Nageswara Rao, Piduguralla, Guntur dist., for doing the official favour of issuing way bills to the two lime and coal firms of complainant's wife and the brother-in-law of Sri A.Srinivasa Rao in Piduguralla and to see that complainant Sri A.Srinivasa Rao need not pay of Rs.4.00 lakhs extra towards Value Added Tax on the two firms and he failed to submit the APRs to the competent authority during his service, excepting for the years 2006, 2007 & 2008 and the Bureau recommended that AO be placed on his defence before the Tribunal for Disciplinary Proceedings in addition to the initiate departmental action with major penalty and Rule 9(1)(7) of the APCS (Conduct) Rules, 1964.

(P.T.O)

2. Whereas, in the reference 2nd read above, the Commissioner of Commercial Taxes, AP requested to initiate departmental action against Sri Thumma Bhaskar, formerly CTO, Piduguralla, Guntur dist., as he failed to submit APRs during his service except for the years 2006, 2007 & 2008 and thereby violated of APCS (Conduct) Rules, 1964.

3. Whereas, Government after following scheme of vigilance, in the reference 3rd read above, Government have accorded sanction to prosecute the Accused Officer Sri Thumma Bhaskar in a court of law for the offences punishable under section 7 and sub-section (2) of section 13 r/w.clause (d) of sub-section (1) of section 13 r/w. clause (d) of sub-section (1) of section 13 of the Prevention of Corruption Act, 1988.

4. Whereas, in the reference 4th read above, the Director General, Anti-Corruption Bureau has informed that a charge sheet was filed before the Court of the Principal Special Judge for SPE & ACB cases at Vijayawada on 31.01.2011 against Sri Thumma Bhaskar, CTO, Piduguralla, Guntur dist., and C.C.No.18/2021.

5. While the matter stood thus, in respect of Departmental action, in the reference 5th read above, the Commissioner of Commercial Taxes has reported that the explanation of Sri Thumma Bhaskar, CTO has been examined and found that, the Charged Officer has submitted his Annual Property Statements to the Dept., and the explanation of the Charged Officer is accepted and requested to drop further action against Sri Thumma Bhaskar, CTO. Accordingly, in the reference 6th read above, the Commissioner of Commercial Tax has dropped further action further action against Sri Thumma Bhaskar, CTO (OFA), O/o. DC (CT), Punjagutta Division.

6. Whereas, in the reference 8th read above, the Court of the Special Judge for SPE & ACB Cases-cum-III Addl. District Judge, Vijayawada acquitted the Accused Officer in C.C.No.18/2011, dt.07.05.2024 and held that as follows:-

> "Therefore, in view of the discussion, case laws referred, this court is of the opinion that the prosecution failed to adduce sufficient evidence to prove that the Accused Officer actuated with corrupt motive and in abuse of his official position demanded and accepted bribe of Rs.50,000/- from P.W.1 for issuing Way Bills to the firms of P.Ws.6 and L.W.7 and not to impose any penalty and thereby committed the offence under Sections 7 and 13 (2) r/w. 13 (1) (d) of the P.C.Act. Accordingly, the charges against the accused officer for the offence under Section 7 and 13 (2) r/w.13 (1) (d) of the P.C.Act fails for want of proof beyond all reasonable doubt. Accordingly, points 2 to 4 are answered against the prosecution.
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> In view of the discussion on points 1 to 4, accused officer is found not guilty of the charges framed against him and is entitled for acquittal.
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> In the result, a) this court found the accused officer not guilty of the charges under Sections 7 and 13 (1) (d) r/w.13 (2) of Prevention of Corruption Act, 1988 and accordingly, he is acquitted under Sec.248 (1) of Cr.P.C.

(Contd.,3)

b) M.O.3 cash of Rs.50,000/- shall be returned to PW.1 Alapati Srinivasa Rao,

c) that M.Os.1, 2, 4 to 7 shall be destroyed after cessation of appeal period.

d) the existing bail bond of the Accused officer and the surety bonds, are cancelled.

e) the Accused officer is directed to execute a personal bond for Rs.20,000/- as per Sec.437-A of Cr.P.C., for his due appearance before the Appellate Court, in case, if any Appeal preferred by the prosecution against this Judgment".

7. Whereas, in the reference 9th read above, the Director General, Anti-Corruption Bureau has informed that the Spl.Judge for SPE & ACB Cases, Vijayawada, pronounced judgment on 07.05.2024, finding the AO, Sri Thumma Bhaskar, CTO, Piduguralla, Guntur dist., not guilty U/s.7 and 13(1)(d) r/w.13(2) of the Prevention of Corruption Act, 1988 and acquitted under Sec.248(1) of the Cr.P.C., and has informed that the Bureau is of the opinion that this is not a fit case to prefer an appeal against the acquittal of Sri Thumma Bhaskar, CTO, Piduguralla, Guntur dist., by the court.

8. Government after careful examination of the matter, in view of the judgment dated 07.05.2024 of the Court of Special Judge for SPE & ACB Cases-cum-III Additional District Judge, Vijayawada in C.C.No.18 of 2011, and also report of DG, ACB, have decided to drop further action against Sri Thumma Bhaskar, formerly Commercial Tax Officer, Piduguralla Circle, Guntur dist., now retired from service on attaining the age of superannuation on 31.07.2017 as Commercial Tax Officer (OFA), Punjagutta Division, Hyderabad as the Court found that the Accused Officer not guilty of the charges under Sections 7 and 13(1)(d) r/w.13(2) of the Prevention of Corruption Act, 1988 and he is acquitted by the Court for the offenses under Section 248 (1) Cr.P.C.

9. Accordingly, Government hereby drop further action against Sri Thumma Bhaskar, Commissioner Tax Officer, Piduguralla, Guntur dist., now retired on 31.07.2017 as the Special Court has acquitted him and the Director General, Anti-Corruption Bureau has also opined that this is not a fit case to prefer an appeal against the acquittal of Sri Thumma Bhaskar, Commercial Tax Officer, Piduguralla, Guntur dist., by the Hon'ble Special Court.

10. The Chief Commissioner of State Tax, A.P., Kunchanapalli, Guntur district and is requested to take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

PEEYUSH KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri Thumma Bhaskar, formerly CTO, Piduguralla Circle, Guntur dist.,now retired on 31.07.2017 as CTO (OFA), Punjagutta Division,Hyderabad (through the Chief Commissioner of State Tax, A.P.,Kunchanapalli, Guntur district)

(Contd.,4)

The Chief Commissioner of State Tax, Andhra Pradesh, Kunchanapalli, Guntur district

The Chief Commissioner of State Tax, Telangana, Hyderabad for further necessary action.

The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Secretariat, Velagapudi

The Director General, Anti-Corruption Bureau, Pandit Nehru Bus Station, 2nd Floor, NTR district, A.P., Vijayawada

SF/SCs

// FORWARDED:: BY ORDER //

SECTION OFFICER